

Summons in a Civil Action (Rev 11/97)

**United States District Court**

**SOUTHERN DISTRICT OF CALIFORNIA**

Philip Bautista, Pro se

vs

**BANK OF AMERICA &  
OLD REPUBLIC EQUITY CREDIT  
SERVICES**

FILED  
68 APR 15 PM 1:03  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: **CP** DEPUTY  
**SUMMONS IN A CIVIL ACTION**  
Case No. '08 CV 0685 BEN LSP

TO: (Name and Address of Defendant)

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and  
serve upon PLAINTIFF'S ATTORNEY

Philip Bautista, Pro se, 1501 Front Street, #409  
San Diego, California state [92101]

An answer to the complaint which is herewith served upon you, within 20 days after  
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment  
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

4/15/09

DATE

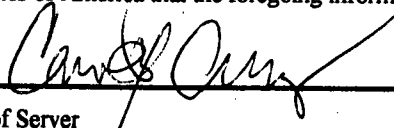
By

**C. PUTTMANN**

, Deputy Clerk

Summons in a Civil Action

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<b>RETURN OF SERVICE</b>			
Service of the Summons and Complaint was made by me		DATE	
NAME OF SERVER <b>CAROL B. CRUZ</b>		TITLE <b>TRANSMITTER</b>	
Check one box below to indicate appropriate method of service			
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:  Name of person with whom the summons and complaint were left: _____			
<input type="checkbox"/> Return unexecuted:			
<input checked="" type="checkbox"/> Other (specify): <b>CERTIFIED MAIL RETURN RECEIPT REQUESTED</b>			
<b>STATEMENT OF SERVICE FEES</b>			
TRAVEL		SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>			
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.			
Executed on:		Signature of Server 	
Date		<b>CERTIFIED MAIL RETURN RECEIPT REQUESTED</b>	
Address of Server			
<b><u>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</u></b>			
IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <b><u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></b>			
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.			
JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

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